UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 30 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Nick Day
Hub Manager
Heritage-Crystal Clean, LLC
6140 Purdue Dr. Suite A
Atlanta, Georgia 30336

SUBJ: Opportunity to Show Cause
Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection (CEI)
Heritage-Crystal Clean, LLC EPA ID # GAR000078279

Dear Mr. Day:

On October 25, 2017, the U.S. Environmental Protection Agency, along with the Georgia Department of Natural Resources, Georgia Environmental Protection Divison (GAEPD), conducted a RCRA CEI at Heritage-Crystal Clean, LLC (HCC) located in Atlanta, Georgia to determine the facility's compliance status with RCRA and applicable regulations. This RCRA CEI was an EPA-lead inspection.

The EPA has determined that the facility may not be in compliance with several requirements of the Georgia Hazardous Waste Management Act (GHWMA), Ga. Code Ann. § 12-8-60 *et seq.* (Subtitle C of RCRA, 42 U.S.C. §§ 6921 to 6939(g)), and the regulations promulgated pursuant thereto, found at Georgia Hazardous Waste Management Rules (GHWMR), Ga. Comp. R. and Regs. 391-3-11.01 to 391-3-11.18 [Title 40 of the Code of Federal Regulations (C.F.R.) Parts 260 through 279] based on potential deficiencies observed during the CEI. The observations made during the inspection are summarized in the attached RCRA CEI Report.

Please provide a detailed written response within 14 days following receipt of this letter describing any actions that HCC has taken and/or intends to take related to the observations documented in the RCRA CEI Report. Your response should be mailed to:

David Champagne
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
U.S. EPA, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

HCC is also being offered the opportunity to meet with the EPA at its regional office located at the Sam Nunn Atlanta Federal Center, 61 Forsyth Street SW, Atlanta, Georgia, 30303, or by teleconference, to show cause why the EPA should not take formal enforcement action against HCC pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). HCC may elect to be represented by legal counsel at this

meeting and should be prepared to present relevant information and documentation pertaining to the EPA's observed deficiencies.

The EPA may determine that a formal enforcement action is appropriate and may assess civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). Therefore, HCC has the opportunity to present factors and documentation that could mitigate any penalties that may be assessed against the facility, including information on HCC's ability to pay a penalty. Prior to the meeting, HCC may review the RCRA Civil Penalty Policy found at:

http://www2.epa.gov/sites/production/files/documents/rcpp2003-fnl.pdf, and the revised penalty matrices found at: https://www.epa.gov/sites/production/files/2018-01/documents/amendmentstotheepascivilpenaltypoliciestoaccountforinflation011518.pdf.

Please be advised that any information provided by HCC at the meeting may be used by the EPA in any civil or criminal proceedings related to this or other matters. Any false, fictitious, or fraudulent material omissions, statements, or representations may subject HCC to criminal penalties under Section 3008(d)(3) of RCRA, 42 U.S.C. § 6928(d)(3).

If HCC chooses to accept this offer to meet with the EPA, the facility should contact David Champagne **within 14 days** following receipt of this letter to schedule a meeting or conference call. David Champagne can be reached at (404) 562-9028 or by email at Champagne.David@epa.gov. If you decide not to accept this offer to meet to discuss the observed deficiencies, the EPA may proceed with enforcement action against HCC as authorized under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), including the assessment of appropriate civil penalties and injunctive relief.

If HCC is a Small Business or a Small Community, you can find compliance and enforcement resources specifically designed to meet your needs at: http://www2.epa.gov/enforcement/small-businesses-and-enforcement. In that webpage you can find information about the Small Business Regulatory Enforcement Fairness Act (SBREFA) that accords some rights to small businesses and is aimed at providing assistance to small businesses and other small entities, making tools available for better understanding of the regulatory and enforcement processes.

Please feel free to contact David Champagne if you have any technical questions regarding the observations and findings from the inspection performed at HCC's facility.

Sincerely,

Larry L. Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosures

cc: Bruce Khaleghi, GAEPD
Andrew Barnard, GAEPD
Nichole Rodgers, GAEPD
Jane Hendricks, GAEPD

RCRA Inspection Report

1) Inspectors and Authors of the Report

David Champagne
Physical Scientist
(404) 562-9028
Champagne.David@EPA.gov

Alan Newman
Environmental Engineer
(404) 562-8589
Newman.Alan@EPA.gov

U.S. EPA Region 4
Resource Conservation and Restoration Division
Enforcement and Compliance Branch
61 Forsyth St. S.W. 10th Floor
Atlanta, Georgia 30303-8960

2) Facility Information

Heritage - Crystal Clean, LLC
6140 Purdue Dr. Suite A
Atlanta, Georgia 30336

EPA ID # - GAR000078279
NAICS Code: 561790, Other Services to Buildings and Dwellings

3) Responsible Official

Mr. Nick Day
Hub Manager

4) Inspection Participants

Nick Day, Heritage - Crystal Clean, LLC
Charlotte McCarty, Heritage - Crystal Clean, LLC
Arthur Bellamy, Heritage - Crystal Clean, LLC
"Elvis" Christopher Elam, Heritage - Crystal Clean, LLC
David Champagne, EPA
Alan Newman, EPA
Andrew Barnard, GAEPD
Bruce Khaleghi, GAEPD

5) Date and Time of Inspection
October 25, 2017, 9:50 a.m.

6) Applicable Regulations

Section 391-3-11 of the Georgia Hazardous Waste Management Rules (GHWMR) promulgated pursuant to the Georgia Hazardous Waste Management Act.

Chapter 391-3-11 of the Georgia Hazardous Waste Management Act, adopts and incorporates by reference 40 CFR Parts 260 - 266, 268, 270, 273 & 279.

7) Purpose of Inspection

The purpose of the inspection was to conduct an unannounced compliance evaluation inspection (CEI) to determine the facility's compliance with applicable RCRA regulations.

8) Facility Description

Heritage - Crystal Clean (HCC or facility) is a provider of parts cleaning services, hazardous, and non-hazardous waste services as well as other products and services pertaining to the environmental services market. HCC moved to the 6140 Purdue Dr. Suite A location from a previous location at 5100 Tulane Dr. SW. about two years ago. HCC operates as a transfer facility and is a large quantity generator of hazardous waste. The facility operates five days a week, Monday-Friday, from 6 a.m. until 2:30 p.m. There are approximately eight people that work in the Branch portion of the company that handle services in the field and there are approximately another six people that work in the Hub managing all the waste coming in and going out of the facility. The most recent Hazardous Waste Generator Notification (EPA Form 8700-12) dated November 30, 2015 characterized the facility as a large quantity generator (LQG) of hazardous waste. Currently, HCC may episodically generate hazardous waste streams which include EPA Waste Codes D001, D002, D005, D006, and D008.

9) Previous Inspection/Compliance History

This facility location has never been inspected.

10) Opening Conference

Upon arriving at the facility, the inspectors presented their credentials to Ms. Charlotte McCarty, Administrative Assistant, and Mr. Arthur Bellamy, Senior Material Manager. The inspectors introduced themselves, and explained they were there to conduct a RCRA hazardous waste compliance evaluation inspection. The inspectors requested an opening conference to discuss the purpose and scope of the inspection as well as provide the facility an opportunity to describe the operation. At the time of the inspection, Nick Day, Hub Manager, and Anita Pendry, Environmental Health and Safety Director, were not present. Mr. Bellamy and Ms. McCarty participated in the opening conference in person, while Ms. Pendry was on the phone. Following the opening conference, Mr. Bellamy lead the inspectors on a walk-through of the facility.

11) Findings

Warehouse

Loading and Unloading Docks

Mr. Bellamy led the inspectors to the delivery loading and unloading areas (Photos 1 and 2 of 24). At the time of the inspection, there were two trucks making deliveries. Mr. Bellamy stated that each delivery generally is comprised of containers from multiple customer facilities. Once the containers are delivered to the HCC Hub, containers from large quantity generators are logged and waste that is to be transported via truck is moved from the unloading area to the loading area by Mr. "Elvis" Christopher Elam, Fork Lift Technician. All used 142-solvent delivered to HCC is centrally staged in the warehouse until it can be captured and transferred into railcars located behind the facility. The used 142-solvent is sent for recycling via railcar to a HCC location in Indianapolis, Indiana EPA ID# IND984869743.

The inspection team noticed several containers of hazardous waste that were leaking, warped, dented, rusted, or otherwise did not appear to be suitable for storing hazardous waste (Photo 3 of 24). Mr. Bellamy stated that if a container is not in good condition upon arrival to the HCC Hub, it is marked for return. Additionally, if during the transportation process, for example, if an HCC worker were to puncture a container with a fork lift, they would place the 55-gallon container in an 85-gallon over pack container and pack it with appropriate absorbent material.

90-Day Hazardous Waste Storage Location

The inspectors identified seven 55-gallon hazardous waste labeled containers in the 90-day or less container storage area (Photo 4 of 24). At the time of the inspection, each container was identified to store waste codes D001, D006 and D008. One 55-gallon container was not closed (Photo 5 of 24) and another container had waste on the outside of the container.

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a) (2016)], a generator of 1,000 kilograms or greater of hazardous waste in a calendar month is a large quantity generator (LQG) and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 12-8-66 of the GHWMA, Ga. Code Ann. § 12-8-66 [Section 3005 of RCRA, 42 U.S.C. § 6925 (2016)], provided that the generator complies with the conditions listed in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(1) – (4) (2016)] (hereinafter referred to as the "LQG Permit Exemption").

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(1)(i) (2016)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.173(a) (2016)], and is a condition of the LQG Permit Exemption, a generator is required to keep containers of hazardous waste closed when waste is not being added or removed.

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.31 (2016)], and is a condition of the LQG Permit Exemption, a generator is required to maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden

or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

Solvent Container Wash Station

Once the used 142-solvent is transferred from the container to the railcar, the facility consolidates the sludge into 55-gallon containers and identifies the sludge as hazardous waste. At the time of the inspection, there were several hundred, possibly 1,000, open containers that previously contained the 142-solvent. The inspectors identified several open containers that contained a sludge or a sludge-solvent mixture (Photos 6-10 of 24).

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11 (2016)], a person who generates a solid waste, as defined in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods articulated in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11 (2016)].

The inspection team noticed that multiple containers prevented direct access to an eye-wash location. The inspectors stated that a clear and direct path is needed. (Photo 11 of 24).

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.35 (2016)], and is a condition of the LQG Permit Exemption, a generator is required to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

The facility stated that the remaining sludge from the used 142-solvent is consolidated in 55-gallon containers and stored in the facility designated satellite accumulation area (SAA). At the time of the inspection, there were 13 55-gallon containers in the facility designated SAA that were not labeled with the words "Hazardous Waste" or other descriptive wording (Photo 12 of 24). Mr. Bellamy stated that the containers had been in this area for approximately one month.

Up to 55-gallons of waste may be stored in a satellite accumulation area. Once the volume of waste exceeds 55-gallons, within three days, the waste should be moved to a 90-day storage area. Wastes not moved within three days should be managed as wastes in a 90-day drum.

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(2) (2016)], which is a condition of the LQG Permit Exemption, a generator is required to ensure that the date upon which each period of accumulation begins is clearly marked and visible on each container.

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(3) (2016)], which is a condition of the LQG Permit Exemption, a generator is required to label or clearly mark each container and tank accumulating hazardous waste on-site with the words: "Hazardous Waste."

Once the containers are emptied, they are put through the container wash machine and rinsed with 142-solvent. Once HCC determines the 142-solvent rinse is no longer usable, it is transferred to the railcar collection area to later be shipped to HCC facility EPA ID#

IND984869743 located in Indianapolis, Indiana for recycling. Any remaining sludge in the container-wash machine is consolidated into 55-gallon drums and labeled as hazardous waste.
Used Oil and Universal Waste

The inspection team was lead to the product storage location where a Dennison Unit was present (Photo 13 of 24). This unit is designed to store flammable products and is flame resistant. Some of the products being stored in the unit included ink cleaner, solvent blends, super 16 paint gun cleaner and solvent 106. Adjacent to the unit was an open 5-gallon bucket of used oil that was not labeled with the words "Used Oil" (Photo 14 of 24).

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.17(1) [40 C.F.R. § 279.22(c)(1) (2016)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

Located adjacent to the Dennison Unit was the storage for universal waste lamps (Photos 15-21 of 24). The inspectors noted three cylindrical 4-foot boxes and one 12-foot box of used lamps that were not labeled with any universal waste language. Two of the three cylindrical 4-foot boxes were not closed. The facility representative stated that the method HCC uses to determine how long universal waste has been stored at their location is by dating the container. At the time of the inspection, the containers accumulating the used lamps did not display an accumulation start date.

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.9 (2016)], a "Small Quantity Handler of Universal Waste" (SQHUW) is a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.14(e) (2016)], a SQHUW must label or mark each lamp or container of lamps clearly with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamps."

Pursuant Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.13(d)(1) (2016)], a SQHUW must manage universal waste lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers must remain closed.

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.15(a) and (c) (2016)], a SQHUW may accumulate universal waste no longer than one year and must to be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

A 55-gallon container located in the universal waste storage area held broken remnants of a used lamp. There were crushed lamps on the floor in this area. These crushed lamps appeared to be discarded. The facility had not conducted a hazardous waste determination on these crushed lamps.

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11 (2016)], a person who generates a solid waste, as defined in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40

C.F.R. § 261.2 (2016)], must determine if that waste is a hazardous waste following the methods articulated in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11 (2016)].

Rack Area

In the Rack Area, HCC stored one 85-gallon yellow container that the inspection team asked the facility representative to open. Inside the 85-gallon yellow container was approximately five aerosol cans of All Purpose Spray Adhesive on top of a 55-gallon metal container. The aerosol cans appeared to be discarded. The facility had not made a waste determination on the discarded waste. The contents of the 55-gallon metal container were unknown.

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11 (2016)], a person who generates a solid waste, as defined in Ga. Comp. R. and Regs. 391-3-11-.07(1) [40 C.F.R. § 261.2 (2016)], must determine if that waste is a hazardous waste following the methods articulated in Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.11 (2016)].

There was one open 55-gallon container storing used oil that was in poor condition (Photos 22-24 of 24).

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.17(1) [40 C.F.R. § 279.22(b)(1) (2016)], containers and aboveground tanks used to store used oil at generator facilities must be in good condition (no severe rusting, apparent structural defects or deterioration).

Records

During the records review, the inspection team spoke to Mr. Day, Hub Manager, on the telephone. The inspectors reviewed preliminary observations from the inspection.

An emergency contingency plan was in place and current. Confirmation documentation was provided illustrating that HCC has made all appropriate notifications to local authorities.

Training records were provided for all appropriate employees. Training documentation presented did not appear to include comprehensive or facility-specific-training that would include proper management of universal waste and proper management of hazardous waste stored in the SAAs.

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.16 (a) (2016)] and is a condition of the LQG Permit Exemption, facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the regulations.

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.18 [40 C.F.R. § 273.16 (2016)], a small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

Weekly inspection logs were reviewed. The inspection team recommended creating a more detailed checklist that would include ensuring that hazardous waste containers are closed, labeled

and dated. There were no inspection records for the 13 containers that were stored in the SAA for over a month.

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.08(1) [40 C.F.R. § 262.34(a)(1)(i) (2016)], which incorporates Ga. Comp. R. and Regs. 391-3-11-.10(1) [40 C.F.R. § 265.174 (2016)], and is a condition of the LQG Permit Exemption, a generator is required to, at least weekly, inspect areas where containers are stored looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

Manifests were reviewed. Freehold Cartage Inc. EPA ID# NJD054126164 transfers D001, D006 and D008 waste to Giant Resource Recovery in Sumter, South Carolina EPA ID#SCD036275626. NEIER Inc. EPA ID# IND984868406 is the transporter of used antifreeze that is to be recycled at a Heritage – Crystal Clean facility located Indianapolis, Indiana EPA ID# IND984869743. NEIER also transfers D002 and D005 waste to Petro-Chem Processing Group in Detroit, Michigan EPA ID#MID980615298. There were no Land Disposal Restriction reports attached to any of the manifests.

Pursuant to Ga. Comp. R. and Regs. 391-3-11-.16 [40 C.F.R. § Part 268 (2016)], a generator of hazardous waste must determine if the waste has to be treated before it can be land disposed as defined in [40 C.F.R. § 268.7(a) (2016)] Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities.

12) Closing Conference

Present during closing conference was Ms. McCarty, Mr. Bellamy, and Ms. Pendry, who was on the phone. The EPA and GAEPD inspectors provided a narrative walk-through summary of their inspection, and presented the preliminary results of the inspection. HCC was inspected as a large quantity generator of hazardous waste. The inspection ended at approximately 2:43 p.m.

13) Signed

David Champagne
Physical Scientist

4/26/2018
Date

Alan Newman
Environmental Engineer

4/26/2018
Date

14) Concurrence

Alan A. Annicella, Chief
Hazardous Waste Enforcement and Compliance Section

4/26/18
Date

Photographs of Heritage – Crystal Clean taken by Alan Newman
6140 Purdue Dr., Suite A
Atlanta, GA. 30336
EPA ID # GAR000078279
October 25, 2017

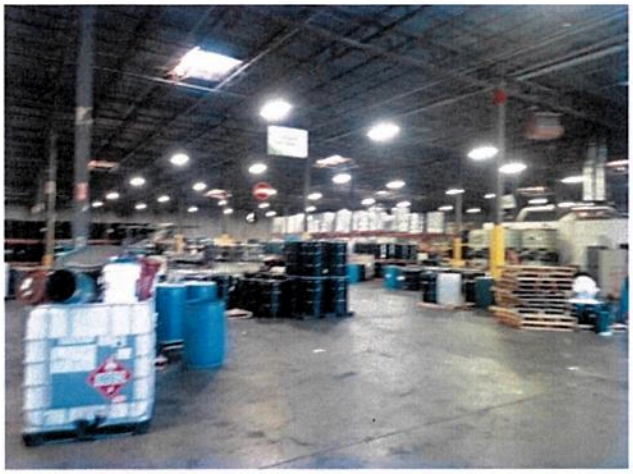

Photo 1 of 24: HCC Warehouse floor

Photo 2 of 24: HCC Warehouse floor

Photo 3 of 24: Drop-off/staging area.

Photo 4 of 24: HCC 90-day hazardous waste (HW) storage area

Photo 5 of 24: Container lid in 90-day HW storage area

Photo 6 of 24: Containers with sludge waiting to be consolidated

Photo 7 of 24: Containers with sludge waiting to be consolidated

Photo 8 of 24: Containers with sludge waiting to be consolidated

Photo 9 of 24: Containers with sludge waiting to be consolidated

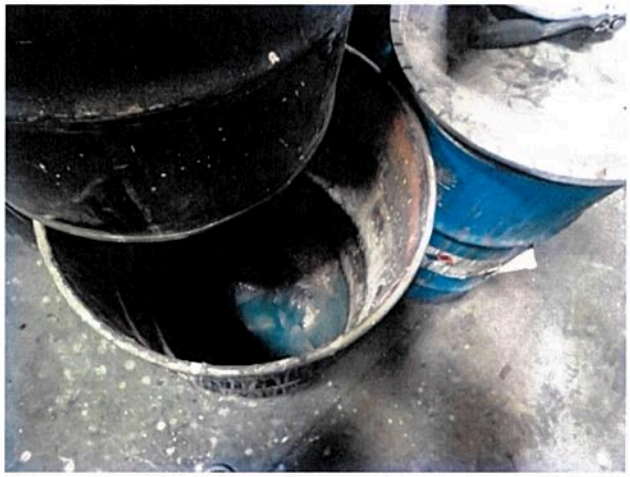

Photo 10 of 24: Containers with sludge waiting to be consolidated

Photo 11 of 24: Staging area for sludge containers and eye wash

Photo 12 of 24: Satellite Accumulation Area

Photo 13 of 24: Dennison Unit

Photo 14 of 24: Used oil

Photo 15 of 24: Universal waste (UW) lamp storage area

Photo 16 of 24: UW lamp storage

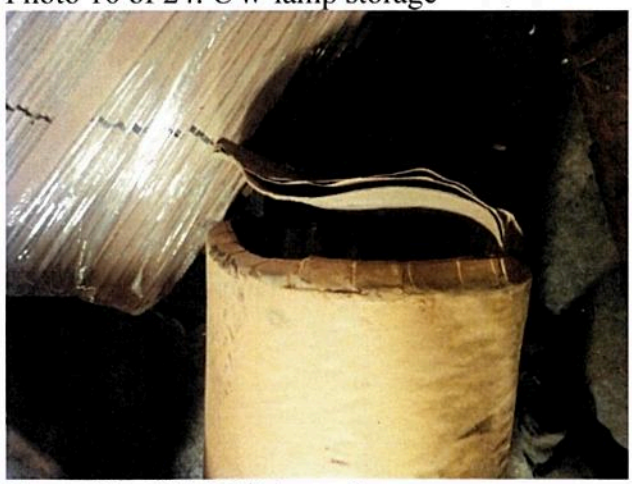

Photo 17 of 24: UW lamp Storage

Photo 18 of 24: UW lamp storage

Photo 20 of 24: Broken UW lamp

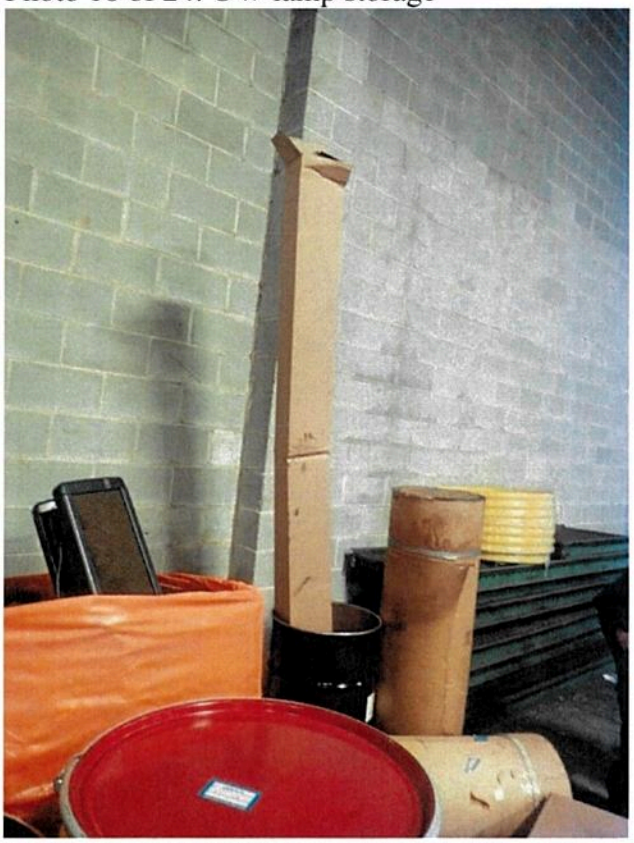

Photo 19 of 24: UW lamp storage in 55-gallon container with broken UW lamp

Photo 21 of 24: UW lamp storage

Photo 22 of 24: Rack area with a used oil container, a 55-gallon container inside an 85-gallon container, and multiple aerosol cans

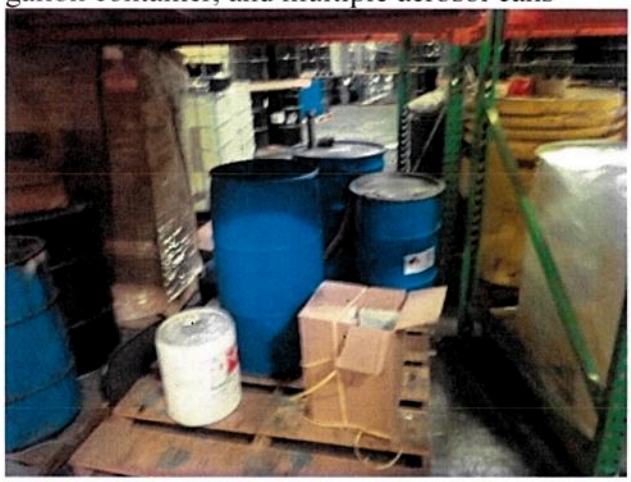

Photo 23 of 24: Rack area

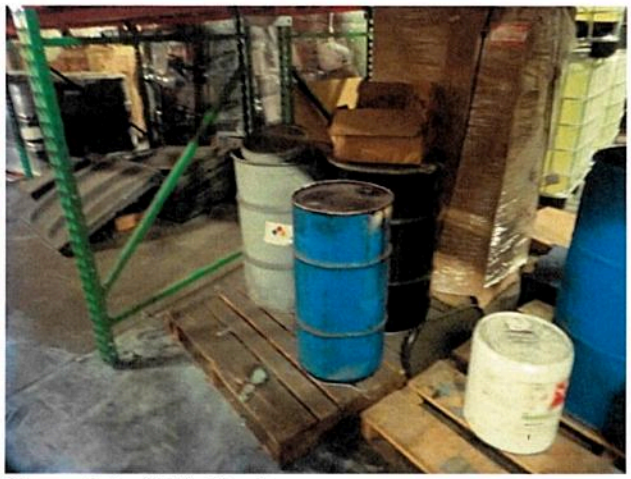

Photo 24 of 24: Rack area